

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 WILLIAM VERA,

12 Plaintiff,

13 v.

14 XAVIER BECERRA and JEFFREY A.
15 BEARD,

16 Defendants.

No. 1:23-cv-00380-KES-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Doc. 15

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18 Plaintiff William Vera is a native of Mexico, incarcerated in Kern Valley State Prison,
19 who filed this prisoner civil rights action against Defendants under 42 U.S.C. § 1983. Doc. 1.
20 The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B)
21 and Local Rule 302.

22 On October 18, 2023, the magistrate judge issued findings and recommendations
23 recommending the district court dismiss Plaintiff's complaint without prejudice for lack of
24 subject matter jurisdiction because, although filed as a 42 U.S.C. § 1983 claim, Plaintiff seeks
25 cancellation of his removal to Mexico under 8 U.S.C. § 1229b, which is beyond the jurisdiction
26 of this Court. *See* Doc. 15. The findings and recommendations were served on Plaintiff and
27 contained notice that objections were to be filed within fourteen days of service. *Id.* at 4.
28 Plaintiff has not filed any objections and the time to do so has passed. *See* docket.

1 In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of
2 this case. Having carefully reviewed the entire file, the Court finds the findings and
3 recommendations to be supported by the record and proper analysis.

4 Accordingly, it is ORDERED:

5 1. The findings and recommendations, issued October 18, 2023, Doc. 15, are ADOPTED
6 IN FULL.
7 2. This action is DISMISSED without prejudice.
8 3. The Clerk of Court shall terminate any pending motions and close this case.

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11 IT IS SO ORDERED.

12 Dated: April 15, 2024



UNITED STATES DISTRICT JUDGE

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